

## **Truro Planning Board**

### **Minutes of meeting Tuesday, 10 April 2007 – Truro Public Library**

Members present: Nicholas Brown (Chair), William Golden, Deborah Paine, Karen Snow, Robert Weinstein, William Worthington.

Member absent: Ansel Chaplin.

Others attending: Virginia Donahue, abutter; John McElwee, Felco, Inc.; Charleen Greenhalgh, Assistant Town Administrator/Planner; Chet Lay, Slade Associates.

Mr. Brown called the meeting to order at 7:00 pm.

#### **1. Minutes**

The minutes of the meeting on 13 March were reviewed, and Mr. Weinstein made a correction. Mr. Worthington moved to approve the minutes as corrected; second by Mr. Weinstein. Vote: 6-0-0.

The minutes of the meeting on 27 March were reviewed, and Mr. Weinstein made a correction. Mr. Worthington moved to approve the minutes as corrected; second by Ms. Paine. Vote: 6-0-0.

Mr. Brown stepped down at this time and left the room. The minutes of the Executive Session on 27 March were reviewed. Mr. Worthington moved to approve the minutes as written and that they be held; second by Ms. Paine. Vote: 5-0-0. Mr. Brown then rejoined the meeting.

#### **2. 2007-004 Ron Robin, Thomas Troland, Edmund Teo – Use Special Permit – 352 Route 6**

Representative: Ron Robin

Mr. Robin explained that he was present to request approval to move the pole to be erected to support the radio broadcast antenna from the original approved location to a different location and that this move was requested by the owner of the site on which the pole will be erected. Mr. Brown asked Mr. Robin to step forward and indicate on the plan both the old and new locations, and also invited audience members to view the plan to see the change. Mr. Brown then asked Board members for questions.

Mr. Weinstein asked if there were plans for landscaping or screening of the enclosure now that it would be in view of the highway. Mr. Robin responded that this would be up to the property owner and that he had not discussed it. Mr. Worthington asked if landscaping had not been discussed previously, and Mr. Brown asked Ms. Snow if she recalled such a discussion. Ms. Snow stated her belief that vegetation was planned along the rear of Building 1 and along the southeast property line. Mrs. Greenhalgh added that the planned vegetation would not be tall at the start.

Mr. Brown asked Board members if they had reviewed the options as outlined in Mrs. Greenhalgh's memo of 3 April. On a motion from Mr. Weinstein, seconded by William Golden, the Board voted unanimously to modify the Special Permit (2007-002) granted to Dunes 102FM L.L.C, Principal Owners - Ron Robin, Edmund Teo and Thomas Troland pursuant to §40.5 of the Truro Zoning By-law (Communication Structures, Buildings and Appurtenances), to allow for the erection of a 35 foot utility pole to support a radio station antenna for the purpose of FM Broadcasting. The modification is to allow for a new location of the pole from the southwest corner of the property to the east south-east corner of the property as shown on a "Proposed Antenna Pole Location Sketch, for 352 State Highway – Route 6 – Truro, MA, prepared for Ron Robin, 10 Fortuna Road, Provincetown, MA 02657, Assrs's Map 39, Parcel 167, scale 1" = 50', dated 2-12-2007, revised 3/7/2007, by Felco, Inc." This decision is based on the finding that the

application meets the necessary requirements for the granting of the special permit and that the waiving of the specific requirements is in keeping with spirit and intent of the by-law. Further, that the relocation of the pole is in keeping with the necessary requirements and all conditions and waivers issued under the Special Permit for 2007-002 shall run with and be part of this decision. Ms. Snow amended the motion to correct a typographic error, and the amendment was accepted. Vote: 6-0-0. The Board then voted unanimously to close this public hearing.

### **3. 2006-017 John Reis, Inc., 450 Route 6 - 10 Lot Definitive Subdivision**

Representative: John McElwee, Felco, Inc.

Mr. Brown asked for a motion to open the public hearing on this matter. Mr. Worthington so moved; second by Mr. Weinstein. Vote: 5-0-0. Ms. Paine stepped down and therefore did not vote and left the table to join the audience. Mrs. Greenhalgh distributed copies of related correspondence to Board members. Mr. Brown invited Mr. McElwee to display the plan and audience members to position themselves to view it.

Mr. McElwee explained the revisions to the plan as a result of consulting with Board and the abutters at a previous meeting: the road has been realigned and 300 feet of proposed evergreen plantings are now included. He expressed his feeling that this is a much better design than that originally proposed. He also stated that application has been made to the Board of Health for approval of the septic system in light of their new regulation regarding distances between wells and septic systems.

Mr. Brown asked Board members for questions. Ms. Snow observed that there is nothing in the plan or covenant indicating that there would be no access to the wood road, and Mr. McElwee responded that it is in the deed restriction. Mr. Brown stated that it needs to be included in all three places (on the plan, within the covenant and the deed restriction). Ms. Snow then made several comments regarding road elevation, plantings missing from the plan, and the need for the developer to do the watering of the plantings for the first year to ensure their survival. Mr. McElwee responded that 40 trees will be planted and that the developer will do whatever is necessary to ensure that they will grow. Ms. Snow then raised a questions related to the MESA letter. In response, Mr. McElwee distributed copies of the plan presented to MESA to respond to their questions and pointed out areas of disturbance and areas to be undisturbed by construction.

Mr. Weinstein stated that the roadway troubled him and that his concern is based on a fundamental issue: Lot 5, which is the location of a dwelling, has an almost 30-foot grade change, and if plantings grow successfully, they will interfere with the road. He stated his appreciation for the developer's attempts, but Lot 5 is problematic. Mr. McElwee responded that there are 25 feet in which to stagger plantings. Mr. Weinstein then asked about their size at maturity, and Mr. Brown offered information on the growth rate of Leyland cypresses.

Mr. Golden asked if there was not also a request from abutters for a fence to serve as a screen for lights. Mr. McElwee responded that a fence is not planned. Mr. Brown then asked Board members if they want to request both a fence and plantings for screening and to specify the location of a 6-foot fence. Ms. Snow expressed the need for more definition of the planting schedule, that the Board is assuming Leyland cypresses but that is not specified in the plan. Additional discussion on a fence followed.

Mr. Brown then asked the audience for questions. Virginia Donahue, an abutter, then spoke. She thinks a fence should be put up for an interim period while construction is ongoing. Regarding plantings, she wants something everyone can agree on but has concerns about roots and who will be responsible for maintaining the plantings. She also expressed concerns about the abundant

animal life currently on the property and her desire to request that MESA (Massachusetts Endangered Species Agency) revisit the site each time a house is to be built. Mrs. Greenhalgh explained that the Town and Planning Board cannot request this and that MESA will not return as long as the current plan is not changed.

Ms. Donahue also expressed concerns about the affects of construction on the water source, and Mr. Worthington suggested the name of someone who is knowledgeable about hydrology. She then stated that she understands that development is going to occur on the property, but she feels that it does not have to be on the scale planned.

Mr. Brown then asked Deborah Paine to read the letter she submitted as a private citizen. After doing so, she stated that as an abutter she had also asked that the septic system for Lot 5 be moved and that moving it 5 feet would be very helpful. Mr. Brown stated that because it is known there will be a new well/septic plan, the Planning Board should forward its minutes with comments to the Board of health. He added that the developer could seemingly accommodate this change.

Mr. Brown then asked Mr. McElwee for an estimate of start and completion dates of construction. Mr. McElwee responded that it depends on financing, that Mr. Reis wants to construct no more than two houses at a time, but he has not talked with Mr. Reis about the construction schedule. Mr. Brown asked Board members if they need the applicant present again, and Mrs. Greenhalgh reminded the Board that they need the sign-off of the Board of Health on well and septic systems before they can make a decision and suggested that the matter be continued to a date certain. Mr. McElwee noted that he would ask for a continuation in order to address issues raised at this meeting: species of plantings, watering of plantings, construction schedule, and the issue of a fence. Mr. Brown asked for a motion for continuation, and Mr. Golden moved to continue the hearing to 1 May; second by Mr. Worthington. Vote: 5-0-0.

Ms. Paine resumed her seat at the table at this time.

**4. 2007-007 John M. and Nancy O. Thornley, Thornley Meadow Road - Approval Not Required (ANR) – Representative: Chet Lay, Slade Associates**

Mr. Lay responded to a question regarding the adjacent conservation area and to several other questions. Ms. Snow moved to accept the plan as ANR; second by Mr. Weinstein. Vote: 6-0-0.

**5. Stephen R. Perry and Richard B. Perry - Covenant release for Harding's Way Subdivision – Representative: Chet Lay, Slade Associates**

Mr. Brown stepped down and left the room; Mr. Weinstein took the Chair. Mr. Lay pointed out details of the plan. Ms. Snow expressed concern about the sight line on exiting the property, and Mrs. Greenhalgh explained that this is not the responsibility of the Perry family and that the Planning Board needs to write to the DPW to have this issue addressed. Ms. Snow noted that the old road is a visual blight and that nothing has been done to obliterate it, suggesting that the Perry's add plantings.

Mr. Golden moved to release the covenant for the Harding's Way Subdivision; second by Ms. Snow. Vote: 5-0-0.

**6. Henry and Julianna Rothschild - Covenant release for Lily Lane Subdivision – Representative: Chet Lay, Slade Associates**

Mr. Lay stated that the sign for Lily Road has been stolen twice and that he is submitting a check for \$90 to be put in escrow based on information from DPW that each sign costs \$45. He then

distributed copies of the plan to Board members. Ms. Snow commented that there is clear evidence of water and sand washing onto the road, and Ms. Paine asked what had been planted. Mr. Lay responded that nothing had been planted as topsoil had been brought in and had stabilized. He agreed to look into the matter.

Mr. Golden moved to release the covenant for the Lily Lane Subdivision and to accept the \$90 check to be placed in escrow for signage; second by Mr. Worthington. After discussion, all agreed to drop acceptance of the check from the motion. Vote: 6-0-0.

#### **7. New business**

Mr. Lay asked to bring up the matter of the Nolan property under new business and was permitted to do so. Mr. Lay then informed the Board that he would be submitting plans for the Board's review.

#### **8. Town Meeting discussion**

Mr. Brown noted that it appears the Housing Authority is not attending the meeting, and Mrs. Greenhalgh added that she understood that a member of the Planning Board was to extend an invitation. Mr. Brown then asked Ms. Paine to update the Board on her meeting and discussion with the Chair of the Truro Housing Authority, which she did. She concluded by suggesting that the Planning Board meet on a regular basis with the Housing Authority to share information between the two groups. She also informed the Planning Board that the Housing Authority has agreed to co-sponsor the Town Meeting Warrant article on affordable accessible dwelling units. Mr. Brown thanked Ms. Paine for having the meeting and for establishing a good working climate between the two groups.

The Board's attention then turned to review of the handout on the proposed bylaw for affordable accessory dwelling units prepared for Town Meeting and to the suggested changes submitted by Mr. Chaplin. All agreed that Mr. Weinstein and Mrs. Greenhalgh would finalize the document. Mr. Brown suggested that Mr. Weinstein make the presentation on the proposed bylaw and that he and Mr. Weinstein respond to any questions posed. All agreed to this plan.

#### **9. Agenda for meeting on 1 May**

Mr. Brown asked Mrs. Greenhalgh to review what items are thus far on the agenda of the Board's meeting on 1 May. After she did so, Mr. Brown asked that she keep the agenda light to allow sufficient time to continue the review and discussion of the draft on Subdivision Regulations. The Subdivision Working Group will meet in the mean time to review comments and recommendations received thus far.

Mr. Worthington moved to adjourn; second by Ms. Snow. Vote: 6-0-0.

The meeting adjourned at 9:07 pm.

Respectfully submitted,

Sharon A. Sullivan, Secretary